REMARKS

In response to the above-identified Office Action, Applicant submits the following remarks and seeks reconsideration of the rejections. In this response, no claims have been amended, no claims have been added, and no claims have been cancelled. Accordingly, claims 1-27 are pending.

I. Claims Rejected Under 35 U.S.C. §102

The Examiner has rejected Claims 1-6, 10, 11, 17-22, 24 and 25 under 35 U.S.C. §102 as being anticipated by E, U.S. Patent Application Publication No. 2004/0019639 ("E"). Applicant respectfully traverses this rejection.

It is axiomatic that to anticipate a claim every element of the claim must be disclosed within a single reference. Moreover, while the Examiner is entitled to give a claim term its broadest reasonable interpretation, the Examiner is not entitled to employ a definition inconsistent with the Applicant's expressed definition set forth within the application. The Examiner's maintenance of the rejection based on E is premised at least in part on a misinterpretation of the term "configuration".

The Examiner acknowledges that a configuration is a set of persistent objects referred to herein as configuration objects as Applicant indicated. However, the Examiner then asserts that "it is also an information (the configuration is a configuration of information, see the abstract), data and/or program code (see 0009, 0027-0028 of specification), messages (0023), or a tree structure, a set of name value pairs, set of files and/or a set of sub-configuration objects (0030 of specification)." However, this is a blatant misinterpretation of the cited sections and a misquote of the Abstract. First, the Abstract does not say that the configuration is a configuration of information but rather states that "each server includes a configuration manager to facilitate changes to configuration information within the cluster." One fundamental problem with the Examiner's interpretation is it fails to recognize the part of speech of the term as used in context. Where the sentence refers to "configuration information", configuration is an adjective that modifies the noun information. In the claims, "configuration" is a noun when used alone as in Claim 1. Further, it should not be surprising that configuration objects contain information and particularly configuration information and definitionally configuration data as well. But, this does not make any data or information a configuration as the Examiner appears to assert. The fact that the configuration may

specify, for example, binaries required for boot does not render those binaries part of the configuration. While it is true that configuration objects may include name value pairs, sets of files or sub-configuration objects, not all name value pairs or sets of files are necessarily configuration objects. Thus it does not stand to reason that, because a set of files may be stored in the distributed store of E, E satisfies the limitations of storing the configurations as claimed. Moreover, referring to the Examiner's assertion that a configuration is a tree, a tree merely refers to a hierarchical arrangement into which the set of configuration objects may be arranged. A tree is not a configuration; it is a set of objects which may be organized as a tree which is the configuration.

Applicant respectfully submits that E fails to teach or suggest storing a configuration for a distributed environment in a central storage of the distributed environment. Here, the Examiner characterized primary data 112 as the configuration. However, there is no indication in E that the primary data includes any configuration objects. As such, primary data cannot satisfy the limitation of a configuration as claimed. The Examiner cites paragraph [0035], which reflects that data stored in the distributed environment may include objects, strings, integers, Booleans, characters or any other type of computer-representable data. However, this is merely reflective of the type of data and does not indicate that the objects are "configuration objects" e.g., they contain configuration information. Rather, referring back to for example paragraph [0012], which sets forth that distributed data may include "components of session data representing client sessions of clients of a multi-tiered enterprise application." There is no teaching or suggestion that configuration objects are stored in E's distributed store. Thus, it goes without saying that there can be no updates of a portion of a configuration within the distributed environment as claimed. The Examiner has failed to point to any reason to conclude that E says anything about configurations of note and, therefore, cannot meet the numerous limitations in the dependent claims which reference the configuration.

With respect to Claim 3, the Examiner failed to address Applicant's arguments that E does not teach blocking reads of the configuration. Rather, the Examiner appears to be asserting that this would be an obvious extension of E. However, this is not an obviousness rejection. If the Examiner wishes to assert an obviousness rejection, this should be done in a non-final Office Action. In any event, as previously set forth, the locks are designed to prevent data inconsistencies in the primary data. As previously noted, data inconsistencies cannot be created by concurrent reads. Thus, E fails to teach or suggest blocking reads as claimed.

Referring to Claim 4, the Examiner asserts that E teaches notifying nodes in a distributed environment the updated configuration data. Leaving aside that E teaches configuration data at all (which Applicant respectfully submits it does not) the cited passage in E merely discusses a thread within the local environment notifying the local data manager when it has completed access. There is no indication whatsoever that (1) configuration data has been updated or (2) that different nodes distributed in an environment are notified. For at least this additional reason, E fails to anticipate Claim 4. Regarding Claim 10, Applicant respectfully submits that there is no teaching or suggestion of notifying registered listeners that a configuration has been changes. First, there is no teaching of configuration or it being changed in E. Moreover, to notify a registered listener, there must be some notion of registering a listener in the first instance. E contains no such notion. Rather, the local thread notifies the local data manager when it has finished so that the local data manager can increment or decrement the count. There are no "listeners" at all much less registered listeners as claimed. Thus, Applicant respectfully submits that E fails to anticipate Claim 10.

The remaining claims not specifically set forth above are at least patentable depending on a patentable independent claim.

Turning to Claim 11, rather than actually addressing the elements of Claim 11, the Examiner has merely performed some hand waving and declared there are corresponding elements in Claims 1-6. However, Applicant respectfully submits that the Examiner has failed to identify" the plurality of nodes each having a configuration manager to maintain consistent storage of a configuration across the nodes without passing modifications between the nodes." Moreover, the Examiner has failed to point to the disclosure in E of a database management system to provide an interface with a shared relational database as claimed. Thus, the Examiner's existing rejection of Claim 11 fails to set forth a prima facie case of anticipation.

Similarly, the Examiner fails to address the individual elements of Claim 25. Claim 25 is written in means plus function format and is governed by 35 U.S.C. §112, p6 and therefore would require the equivalent structure to that which is disclosed in Applicant's specification, the Examiner has failed to identify in E any such equivalent structures and for this reason at least, the rejection of Claim 25 is improper.

Claims 18-24 are in fact analogous to various method claims discussed above and therefore, analogous arguments for patentability apply.

For the foregoing reasons, it is respectfully requested that the rejection of Claims 1-6, 10, 11, 17-22 and 24 and 25 under 35 U.S.C. §102 be withdrawn.

III. Claims Rejected Under 35 U.S.C. §103

The Examiner has rejected Claims 7, 8, 12-14, 23 and 27 under 35 U.S.C. §103 as being unpatentable over E in further view of Vahalia, U.S. Patent Application Publication No. 2005/0251500 ("Vahalia"). Applicant respectfully traverses this rejection.

In rejecting Claim 7, it appears that the Examiner has a little more than the literal search for the term "tree" and decided that was sufficient to render Applicant's claim obvious. While fails to cure the deficiencies discussed above in connection with E, it does not even stand for the proposition for which the Examiner relies on it. The cited figures are processing of SMB messages and provide no guidance on changing of a configuration object in a branch of a tree structure as claimed.

Regarding Claim 8, Applicant has closely reviewed the passage cited by the Examiner and has been unable to discern a cache in validation event invalidating a portion of a configuration in a distributed environment as claimed. Applicant is not asserting a claim to cache invalidation events generally, but cache invalidation events used in a context of invalidating a configuration of a portion of the distributed environment. As such, the mere normal use of cache invalidation as disclosed in Vahalia fails to shed any light on what Applicant claims. Therefore, Applicant respectfully submits that Claim 8 is not rendered obvious by the combination.

The Examiner's rejection of the remaining claims under 35 U.S.C. §103 suffer similar deficiencies that the Examiner has neither found a structural element or the functional aspects claimed, but rather uses what is effectively a literal term search (and sometimes not even that) to reject Applicant's claims. This approach falls far short of the obligation imposed by existing patent law and practice.

In view of the foregoing, it is respectfully requested that the rejection under 35 U.S.C. §103 be with drawn.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-27, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: __August 31, 2007__   By:_____

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

_____   8/31/07

Suzanne Johnston   Date